

PLANNING & ZONING COMMISSION

January 12, 1984

MINUTES

This regularly scheduled meeting of the Naples City Planning and Zoning Commission was held on January 12, 1984 at the Naples City Office. Norman Haslem called the meeting to order at 7:45 p.m. Those in attendance were:

Commission Present

Norman Haslem, Robert Kay, Charlie Olsen, Wesley Bowden.

Minutes of November 10, 1983

Robert moved the Commission approve the minutes of the November 10, 1983 Planning and Zoning meeting. Charles Olsen seconded, the motion passed unanimously.

Suggested Appointment of New Chairman, Vice-Chairman and Two Alternates

Commission would like Robert Kay as Chairman and Norman Haslem as Vice-Chairman.

Ralph Dart moved from alternate to an appointed term. The remaining positions, one term and two alternates would be filled by City Council appointment.

The Commission recommends Ronald Walker, Phillip Manwaring, Brett Wilkins, and Artell Armstrong for the positions.

Intermountain Farmers Association - Jack Loveless

New business to build on an acre plus of land. Location: 1000 South 1500 East Highway 40, just east of Mosquito Abatement.

Upon review of site plan and ownership plat, the Commission required the corner property lines to be located so to be able to locate the 36' easement shown adjacent to 1000 South and Intermountain's south property line.

Mr. Loveless requested an access through the easement to the rear of his property.

The Commission questioned whether that easement property was now Naples or still the County, and asked Craig Blunt to find out. If the property was Naples the request was granted as long as the easement was 100' or more from Highway 40.

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Requirements to be shown on plat plan:

1. Parking one space per 400 sq. ft. of floor area. Twenty-two parking places 10'x 20' each.
2. Curb and gutter on Highway 40 1500 East.
3. Exterior lighting on all 4 corners of building.
4. Landscaping, not less than 5% of lot area.
5. Sign location and design.
6. Suggest security fence, but not required.
7. Drainage, show where water flow is to go and its disposal.
8. Parking lot asphalt or concrete.
9. Show distance from building to property lines.
10. Traffic flow off and on 1500 East and 1000 South.
11. Show all easements, roads, signs, electrical and water etc.

The building use would be for sale of farm implements and three bay tire shop.

Wesley Bowden moved that the proposed business and plat be approved showing the Commission's recommendations. Charles Olsen seconded, the motion passed unanimously.

Divide up Commission into groups to correct errors in the planning book.

The Commission asked Craig to divide the book up and send to each member.

Adjournment

No other business having come before the Commission, the meeting adjourned at 8:30 p.m.

PLANNING & ZONING COMMISSION

ATTEST

BY:

Chairman or Vice Chairman

Craig Blunt
Secretary

Attachment

CITY OF NAPLES
January 25, 1984

MINUTES

This regularly scheduled meeting of the Naples City Council was held January 25, 1984 at the Naples City Office. Mayor Lawrence C. Kay called the meeting to order at 7:40 p.m. Those in attendance were:

Council Present

Mayor Lawrence C. Kay; Dennis Judd, Glen Fleener, Donna Merrell, Lynn McCarrell and Larris Hunting.

Staff Present

Marlene Stidham, Craig Blunt and Chief John Ledkins.

Others Present

Kent Oviatt, Chief Naples Fire Department and Howard Weaver.

Prayer

Glen Fleener.

Building Official's Report - Craig Blunt

Business License Renewals/ New Applications. Mr. Blunt presented the following business licenses for approval by the Council for renewal:

T & M Tool & Supply	Halliburton
O.T.I., Inc.	Baker Packers Completion System
Tullis Electric Co.	Yellow Jacket Rocky Mountain Division
Miller Welding	Rex Smuin Oild Field Service
Bigger Burger	Intermountain Peterbuilt Trucking
Countryside Veterinary	Atkinson Auto
W.R. White Company	Vernal Electric
Exelson Inc.	Schlumberger Rental
Nowsco	Bowden Oil Inc.

In addition, Mr. Blunt presented a business license application from A & A Electric for Council approval. Discussion followed. Dennis Judd moved the business licenses submitted for renewal and the application from A & A Electric be approved by the Council. Glen Fleener seconded, the motion passed with all members present voting aye.

Planning & Zoning Commission Appointments. Mr. Blunt presented a recommendation from the Planning and Zoning Commission on individuals to fill the vacant positions on the Commission. The Commission recommended that Robert Kay be appointed as Chairman, and Norman Haslem as Vice-Chairman. In addition, they suggested



the following names to fill the other vacant seats:

Ron Walker
Artel Armstrong

Phil Manwaring
Brett Wilkins

The Commission also recommended that Ralph Dart be moved up from an alternate to a full-term member. Discussion followed. Dennis Judd moved that Ralph Dart be moved up to a full-term member and that Phil Manwaring fill the second full-term seat. And in addition, that Ron Walker and Artel Armstrong be appointed to alternate positions on the Planning and Zoning Commission. Glen Fleener seconded, the motion passed with all members present voting aye.

Appointment to Board of Adjustment. Dennis Judd moved that Brett Wilkins be appointed as an alternate to the Naples Board of Adjustment. Donna Merrell seconded, the motion passed with all members present voting aye.

It was the consensus of the Council that they review the set-up of the Board of Adjustment in the near future.

Lien from Ashrock. Mr. Blunt informed the Council that the amount indicated in the lien from Ashrock was not the City's obligation. Discussion followed. The Council directed that Mr. Blunt contact Ray Nash and have him prepare a letter to Ashrock directing them to remove the lien from the property.

Appointment to Uintah County Boundry Commission. Mayor Kay informed the Council that they would have to appoint a new representative to the Uintah County Boundry Commission. Ralph Dart was serving in that position, but as he is no longer on the City Council, it is necessary for the Council to appoint a new representative. Discussion followed. Donna Merrell moved the Council appoint Glen Fleener to serve as Naples representative to the Uintah County Boundry Commission. Dennis Judd seconded, the motion passed with all members present voting aye.

Consolidated Freightways. Mr. Blunt discussed with the Council a letter from Consolidated Freightways stating that they were exempt from buying a business license because they were interstate commerce. The Council directed that Craig write them a letter informing them that they were not exempt from purchasing a business license.

Fire Department Purchase Request - Kent Oviatt

Fire Department Chief Kent Oviatt was in attendance to request the Council approve a purchase request for an air chisel. The chisel is similar to an extraction tool. Discussion followed. Donna Merrell moved the Council approve the request from the Fire Department to purchase an air chisel for approximately \$150.00 - \$200.00. Glen Fleener seconded, the motion passed with all members present voting aye.

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B

PLANNING & ZONING COMMISSION
February 9, 1984

MINUTES

This regularly scheduled meeting of the Naples City Planning and Zoning Commission was held on February 9, 1984 at the Naples City Office. Robert Kay called the meeting to order at 7:15 p.m. Those in attendance were:

Commission Present

Robert Kay, Chairman; Norman Haslem Vice Chairman; Ralph Dart, Phillip Manwaring and Charlie Olsen.

Commission Absent

Wesley Bowden

Alternates Present

Ron Walker

Alternates Absent

Artel Armstrong

Council Representative

Dennis Judd, absent.

Approval of January 12, 1984 Minutes

Charlie Olsen moved that the Commission approve the minutes of the January 12, 1984 Planning & Zoning meeting. Ralph Dart seconded, the motion passed unanimously.

Commission Recognized New Zoning Members

Robert Kay welcomed the newly appointed members, Phillip Manwaring, and Ron Walker to the Planning Commission.

Handouts for Planning & Zoning Book

The members present were handed sections of the Planning & Zoning book as well as section 10-8 and 10-9 of the Utah Code.

The members are to review the ordinance book and make sure it follows the State Code.

Planning & Zoning Commission
Minutes February 9, 1984
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Adjournment

No other business having come before the Commission, the meeting adjourned at 8:30 p.m.

PLANNING & ZONING COMMISSION

Chairman or Vice Chairman

ATTEST

Craig Blunt

PLANNING & ZONING COMMISSION

March 8, 1984

MINUTES

This regularly scheduled meeting of the Naples City Planning & Zoning Commission was held on March 8, 1984 at the Naples City Office. Wesley Bowden called the meeting to order at 7:25 p.m. Those in attendance were:

Commission Present

Wesley Bowden, Phillip Manwaring

Commission Absent

Robert Kay, Chairman; Norman Haslem, Vice Chairman; Ralph Dart, Charlie Olsen.

Alternates Present

Ron Walker, Artel Armstrong

Council Representative

Dennis Judd, absent.

Approval of February 9, 1984 Minutes

Ron Walker moved that the Commission approve the minutes of February 9, 1984 Planning & Zoning meeting. Phillip Manwaring seconded, the motion passed unanimously.

Review of Zoning Ordinance Book

Ron Walker presented his sections, 15-01 through 15-16 and requested a change in definitions 02-15-005 Basement: Considered a basement when more than one half ($\frac{1}{2}$) of the structure level is below ground level. Considered a story when more than one half ($\frac{1}{2}$) of structure level is above the ground level.

Phillip Manwaring presented his sections 10-01 through 12-08. Phillip requested that amendment #12 be put in the reserve space 02-10-007.

The Zoning Ordinance Book review was tabled until next month.

Adjournment

No other business having come before the Commission, the meeting adjourned at 8:45 p.m.

ATTEST

PLANNING & ZONING COMMISSION

Craig Blunt, Secretary

Robert Kay, Chairman



NAPLES PLANNING & ZONING COMMISSION
April 12, 1984

MINUTES

This regularly scheduled meeting of the Naples City Planning & Zoning Commission was held on April 12, 1984 at the Naples City Office. Robert Kay, Chairman called the meeting to order at 7:10 p.m. Those in attendance were:

Commission Present

Robert Kay, Chairman; Wesley Bowden, Ralph Dart, Phillip Manwaring.

Commission Absent

Norman Haslem, Vice Chairman and Charles Olsen.

Alternates Present

Artell Armstrong

Alternates Absent

Ron Walker

City Council Representative

Dennis Judd present.

Others Present

Brian Brackenbury, Berry Brackenbury, Craig Blunt, Planning Secretary.

Approval of March 8, 1984 Minutes

Phillip Manwaring moved that the Commission approve the minutes of March 8, 1984 Planning and Zoning meeting. Artell Armstrong seconded, the motion passed unanimously.

Brian Brackenbury/Triangle B Rentals - Preliminary Plat Approval for Future Building Site of Triangle B Rentals.

Located at 1992 South Highway 40 1500 East.

Brian Brackenbury presented his preliminary plat and explained that the type of business will be rental of all types of equipment for all purposes. The existing building that fronts Highway 40 1500 East will be eventually removed. The building at the rear or the site that burned will be removed to make room for the new shop and office.

The Planning Commission reviewed the plat.

Naples Planning & Zoning Commission
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Parking for rental quipment will be in the front of the new office and shop with a perimeter chain-link fence for security, minimum height 6 foot.

Gas and diesel tanks and pumps will be installed above ground to be used for rental equipment fuel.

Traffic Fow. Traffic will enter off of Highway 40, 1500 East on 2000 South for access to rental business and exit the same way. 2000 South is a dead end road with only the rental business and the closed Montgomery's Hide and Fur using the road.

Parking and equipment storage area will be based and asphalted.

The shop and office building will be sprinkled for fire safety.

Drainage. Drainage flow will follow the natural flow as shown on the plat dumping into the drainage ditch that flows east under Highway 40. Commission requested that the City engineer check the ditch size and piping to insure proper sizing for increase of surface water from equipment storage and parking asphalt area.

Contamination of the Drainage Water. All wash bays are trapped with state approved holding tanks that separate sands and oil from the water to prevent any contamination to the drainage system.

Security Lighting. There will be five, 250 watt lamps lighting the equipment storage area, shop and office.

Green Area. Dennis Judd moved to wave the 5% Green Area requirement to 2%. Ralph Dart seconded, the motion passed unanimously.

Dennis Judd moved to approve the plat, conditional to the Engineer's approval and that Craig Blunt see to it that all the mentioned items that were covered be put on the plat before a permit is issued. Artell Armstrong seconded, the motion passed unanimously.

Review of Zoning Ordinance Book

Artell Armstrong brought his section for review, 02-27 thru 29-03 and 02-27-001-3 for next regularly scheduled meeting to check and verify whether licensed engineer's would also include architects.

Other Business

The Commission directed Craig Blunt to have the Time Frame on the Colonies PUD subdivision ready to bring before the Commission on the next scheduled meeting.

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Adjournment

No other business having come before the Commission, Ralph Dart moved the meeting adjourn at 8:30 p.m. Dennis Judd seconded, the motion passed unanimously.

PLANNING & ZONING COMMISSION

BY: _____

Robert Kay
Chairman

ATTEST:

Craig Blunt
Secretary



JOINT MEETING
NAPLES CITY COUNCIL
NAPLES PLANNING & ZONING COMMISSION
April 19, 1984

MINUTES

This special scheduled meeting of the Naples City Council and the Naples Planning & Zoning Commission was held on April 19, 1984 at the Naples City Office. Dennis Judd, Mayor Pro-tem, called the meeting to order at 7:42 p.m. Those in attendance were:

Council Present

Dennis Judd, Mayor Pro-tem; Donna Merrell and Lynn McCarrell. Larris Hunting, Lawrence Kay and Glen Fleener were absent.

Commission Present

Robert Kay, Chairman; Ralph Dart, Charles Olsen, Wesley Bowden, Ron Walker, Alternate and Dennis Judd. The following Planning & Zoning Commission members were absent: Artell Armstrong, Alternate; Phillip Manwaring and Norman Haslem.

Others Present

Carl Oldaker, Curt Collard, Gary Bradford, Larry Gurr, Norman Fletcher and Brownie Tomlinson.

Application for Conditional Use Permit

The Naples City Council and the Naples Planning & Zoning Commission met in Joint session to consider an application from Larry Gurr for a conditional use permit to operate a business for excavating a gravel pit on property located at 2580 East 1500 South.

Council and Commission members reviewed Mr. Gurr's application and the acknowledgement of notice for all property owners within 1000 feet of the proposed gravel pit. All property owners signed the acknowledgement of Notice with the exception of Jeff Nichols. The members of the board were informed that Jeff Nichols was no longer in the area and that the property no longer belonged to him.

Council and Commission members also reviewed minutes from the November 10, 1983 Planning & Zoning meeting where a similar request was submitted. At the time of that request, a gravel crusher and asphalt mixer were also proposed to be installed at the site. The present proposal, however, involves excavation and removal of gravel from the site only.

Members also reviewed the section of the Zoning Ordinance which set forth the characteristics of the RA-1 zone, within which the property is located.

Following a review of the RA-1 permitted uses, members reviewed the section of the Zoning Ordinance governing conditional use permits.

Carl Oldaker indicated that the property listed as Jeff Nichols was now owned by Clyde Juachuu. Mr. Juachuu is a resident of California. The Board noted for the record that Mr. Juachuu was not notified of the meeting.

Curt Collard, manager of Staker Paving informed the Council that their intention was to remove pit run gravel for use and distribution throughout Ashley Valley. They intend to lease the site from Mr. Gurr with an option to buy.

At the time of removal of the gravel Mr. Collard stated that Staker intends to groom the area so that in the future, that location would be better suited for its zoned purposes.

Mr. Collard stated they have no intention to crush material or make asphalt at that site. He stated Staker's intends to maintain dust control.

He further stated that the site would be used as an on-again, off-again basis for projects requiring bank-run materials - such as sub-base for roads and so forth.

Mr. Collard stated there have been trucks up and down 1500 South for years and he doesn't foresee their operation being anything out of the ordinary for that area.

There are nine acres in Mr. Gurr's property. However, Mr. Collard stated there are actually only five acres that can be used for gravel. Mr. Collard stated that the entire nine acres would have to be included in the permit in order for them to groom and shape the site after its use.

Gary Bradford, estimator for Staker Paving made a chalkboard drawing to demonstrate their proposed excavation of the gravel and what the site would look like when they were through.

Mr. Bradford stated there was approximately 40,000 yards of gravel there to excavate.

Discussion followed.

Norman Fletcher and Brownie Tomlinson of Ashley Valley Water & Sewer Improvement District were in attendance. They indicated that they were aware of what Staker's was proposing and that as long as their lines and valves were not bothered they had no opposition to the project. Additional discussion followed.

Mr. Oldaker asked how the nearby property owners had felt about the proposed pit. Discussion followed.

Mrs. Merrell indicated concern that there be a safe entrance from the site onto 1500 East.

Mr. Bradford indicated that there was 200' of visibility, with the only obstruction being Curtis Lamb's house, which was quite a bit set back from the road.

Mr. Collard further stated that they intend to fence the area and put a gate up to try to maintain total control of the area.

Ron Walker asked what the longest time frame Staker's had with regard to hauling gravel out of that location. It was pointed out that the permit could only be issued for one year at a time.

Ralph Dart indicated he had no problem with the gravel being hauled out of the location. He indicated that the members should be concerned with the roads and with safety to the children in the area.

He indicated that truck traffic on 1500 South has been a real pain for the last couple of years and was a major concern to him.

Mr. Dart also expressed concern with whether the proposed use of the area would be compatible with present and future uses of the area. Mr. Dart was referencing to the possibility, 10 to 20 years from now, of that section line being turned into a road. If this happened he was concerned with one level of property being on one side and then a 12' drop being on the other side.

Mr. Dart also questioned whether the pit would be complementary to the existing and surrounding property. Discussion followed.

Mr. McCarrell asked how far back from 1500 South they would begin their operations. Staker's indicated that they would begin their slope from the wash to the south of 1500 South. That would make it approximately 500' from the main road.

There was some concern expressed that the present property owners were not all notified. However, the acknowledgement of notice was prepared directly from the County ownership plats, and the property owners listed there were the ones that were notified. Discussion followed.

Ashley Valley Water & Sewer representatives reiterated that they had no objections with the exception that their lines would be protected. As the sewer was now active and working they wanted some assurances that their structures would not be interfered with. Discussion followed.

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Mr. Oldaker expressed concerned that the pit area would be unsightly and asked if Staker's had intentions to re-seed the area and re-claim the property.

Mr. Bradford indicated he could not say yes or no to that question at this time. He did indicate that Staker's was not in the habit of leaving holes here and there from their gravel pits.

Concern was expressed regarding dust from the operation. Mr. Gurr stated that he had canal water rights and that the water was available to Staker's to maintain dust control. Mr. Bradford stated that they would lay some asphalt-type material down by the road near Mr. Lamb's house and this should help to control the dust. But if the dust still got out of hand they did have water trucks to deal with it. They indicated they are familiar with dust control problems and feel they are well equipped to handle them.

Council and Commission members addressed, individually, the terms that Staker's would have to meet to be issued a conditional use permit. Discussion followed.

Regarding truck traffic, Staker's stated that there should be no more truck traffic on 1500 South than there already is from the Holmes pit.

Ralph Dart, expressing his concerns as a property owner, felt that the proposed use would be detrimental to his property. He was specifically concerned with a ledge being left between his property and the Gurr property. He further indicated that it was difficult to visualize the slope that Staker's was proposing in relation to his property. Discussion followed.

Concern was expressed as to why some of the other surrounding property owners were not at the hearing. Discussion followed.

Additional concern was expressed regarding liability on the City's part for property owners that were not notified. It was pointed out that the property owners that were to be notified were those that were listed on the most current County ownership plats. And, as this was done, there should be not liability to the City. Discussion followed.

The meeting was turned over to Robert Kay, Chairman of the Planning and Zoning Commission for their decision. The Commission reviewed Building Official Craig Blunt's recommendations on the matter. Discussion followed.

Ron Walker moved that the Planning & Zoning Commission approve issuance of the conditional use permit with the following conditions:

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- 1) 3 to 1 slope beginning at both fence lines
- 2) Bond on 5 acres @ \$300.00 per acre
- 3) Safety is to be maintained
- 4) Adequate dust control to be maintained
- 5) Hauling & Excavation to be limited to daylight hours
- 6) Permit is to expire in one year
- 7) Must maintain the ditch to handle wastewater
- 8) There is to be no interference with sewer lines & valves

Wesley Bowden seconded, with the additional requirement that Garth Horrocks be notified by Larry Gurr as to the gravel pit being put on Mr. Gurr's property. Discussion followed. The motion passed unanimously.

The meeting was turned over to Dennis Judd, Mayor Pro-tem.

Based on the recommendation from the Planning & Zoning Commission, Lynn McCarrell moved the Council approve issuance of the conditional use permit with the conditions as outlined by the Planning and Zoning Commission. Donna Merrell seconded, the motion passed unanimously.

Craig Blunt is to issue the permit when he returns from Salt Lake, however Staker is allowed to proceed with excavating and hauling operations immediately.

The meeting was adjourned at 10:20 P.M.

NAPLES CITY COUNCIL

Dennis Judd
Mayor Pro-Tem

NAPLES PLANNING & ZONING

Robert Kay
Chairman

ATTEST

Marlene Stidham
City Recorder



City of Naples

Eastern Utah's Gateway to Energy

MAYOR
LAWRENCE C. KAY

1601 East 1900 South
Naples, Utah 84078
(801) 789-9090

CITY COUNCIL
GLEN FLEENER
LARRIS HUNTING
DENNIS L. JUDD
LYNN McCARRELL
DONNA P. MERRELL

Before meeting can be held applicant must:

Submit his completed application for a conditional use permit.
Acknowledgement of Notice must be completed.
Statement of how he will comply with 02-06-005, basis for
issuance of a conditional use permit and he must meet 02-06-006,
Extraction of Earth Products.

Note: On item #4 of Section 02-6-005 Basis for issuance of Conditional
Use permit:

Refer to Chapter 02-18 RA-1 Zone.

If the gravel pit or extraction of earth products
will level and prepare the property for its zoned
use and not impose conditions detrimental to health
& safety or make the worked area non-compatible with
the existing property use, it will comply.

Truck Traffic:

Regarding truck traffic that would be generated,
it would be the same because the gravel would come
from Don Holmes pit, which uses the same road, but
more of it.

Environment or Ecology of the General Area:

The Planning Commission must require and set con-
ditions necessary for the protection of the pro-
perties and public welfare for long term after
effects.

It is my opinion that there is not enough gravel
there to extract to pay for the reconditioning of
the area so as not to leave any detrimental effects
to that zone.



ACKNOWLEDGEMENT OF NOTICE

The undersigned, hereby acknowledge receipt of notice of the fact that a joint emergency hearing of the Planning & Zoning Commission and City Council will be held Thursday April 19, 1984 at 7:30 p.m. Location: Naples City Office, 1601 East 1900 South, Naples, Utah.

Subject concerns a Conditional Use permit to operate a business for excavating a gravel pit on property located at 2580 East 1500 South.

The undersigned hereby acknowledg their consent that said Conditional Use Permit be discussed at such time and places and hereby waive any failure of notice or other procedural irregularities which may have occurred in the proposing, discussing and adopting of said Conditional Use Permit.

Dated this 18th day of April, 1984.

Property owners within 1000 feet of said location:

Lulu M. Richardson Stewart Date 4-18-84
Lulu M. Richardson Stewart

Niles Mott Date 4/18/84
Niles Mott

Joseph Postma 4-18-84
Joseph Postma

Ray Nash 4-18-84
Ray Nash

Ralph Dart 4-18-84
Ralph Dart

Curtis Lamb 4-18-84
Curtis Lamb

Paul Eaton 4-18-84
Paul Eaton

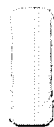
Emil Baker 4-18
Emil Baker

Carl Oldaker 4-18-84
Carl Oldaker

Jeff W. Nichols III _____
Jeff W. Nichols III

Alta Karren 4-18-84
Alta Karren

Shirley Price 4-18-84
Shirley Price



PETITION

We, the undersigned, opposed the issuance of a permit to excavate and haul gravel at 2850 East 1500 South for the following reasons: The safety of children (approximately 40) in this area will be greatly jeporadized because of the truck traffic generated from the proposed pit; it is our opinion that we, as taxpayers will have to foot the bill for road repairs for damages sustained by heavy trucks. We therefore request that you reconsider issuing the permit.

L. J. Burr
Signature/Date

2260 East 1500⁵⁰
Address

Carol E. Baker
Signature/Date

2696 E 1500 S
Address

Renee E. Baker
Signature/Date

2696 E 1500 S
Address

Kenneth W. Harringer
Signature/Date

2766 E 1500 S
Address

Marna Carringer
Signature/Date

2766 E 1500 S
Address

Kelly H. Dickerson
Signature/Date

2812 E 1500 S
Address

Carol Bush
Signature/Date

2524 E 1500 S
Address

Earl Reigh
Signature/Date

1898 E 1500 S
Address

Cecile Reigh
Signature/Date

1898 E 1500 S
Address

Signature/Date

Burt D. Grammer

Signature/Date

Carl L. Aldaker

Signature/Date

Carl L. Aldaker

Signature/Date

Mary Bridges

Signature/Date

J. B. Brown

Signature/Date

Harold J. Brown

Signature/Date

Sam Bridges

Signature/Date

Ronald H. Jones

Signature/Date

Don Merrill 4-21-84

Signature/Date

Sam Bridges

Signature/Date

Rita Kassen 4-21-84

Signature/Date

Robert Clement 4-21-84

Signature/Date

Harold Montgomery

Signature/Date

Address

2091 E. 1500 S. Vernal

Address

1485 S. 2000 E. Napier

Address

1485 S. 2000 E. Napier

Address

1574 S. 2000 E. Vernal

Address

1878 E. 1200 S. Vernal

Address

1574 S. 2000 E.

Address

1574 S. 2000 E.

Address

1574 S. 2000 E.

Address

2091 E. 1500 S. Vernal

Address

2091 E. 1500 S. Vernal

Address

22518 1500 S. Napier

Address

1878 E. 1500 S.

Address

1276 - 1500 S.

Address

CITY OF NAPLES
COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION
FOR THE FOLLOWING ACTION

- ☐ SITE PLAN APPROVAL
- ☒ CONDITIONAL USE PERMIT
- ☐ DEVELOPMENT PLAN APPROVAL
- ☐ PRELIMINARY
- ☐ FINAL
- ☐ SUBDIVISION
- ☐ PRELIMINARY PLAT
- ☐ FINAL PLAT

Application # 1714Zone RA-1Received By: M. SlidmanDate Received: 4-19-84

CHECKED

- ☒ FEE, \$15:00 Need \$10.00
- ☐ PLANS & PLATS
- ☒ DESCRIPTION
- ☒ DISTRIBUTION
- ☒ SIGNATURE

HEARING DATE: 4-19-84

Type or print in ink

NAME OF APPLICANT (PROPERTY OWNER) Larry GurrAPPLICANTS ADDRESS: 2580E 1500S 2398450rd TELEPHONE # 303-856-6694NAME OF AGENT: 81413

AGENTS ADDRESS:

TELEPHONE #

PROPERTY ADDRESS: 2580E 1500SSITE PLAN APPROVAL: ☐ YES ☐ NOCONDITIONAL USE PERMIT: ☒ YES ☐ NOUSE # _____ LOT AREA _____ SITE PLAN (ATTACH) ☐

DEVELOPMENT PLAN APPROVAL

PRELIMINARY (ALL PARTS MET) ☐ YES ☐ NO

DATE: _____ 19 _____

FINAL (ALL PARTS MET) ☐ YES ☐ NO

DATE: _____ 19 _____

ORDINANCE SECTIONS: _____

DATE OF HEARING: _____ 19 _____

SUBDIVISION

PRELIMINARY (ALL PARTS MET) ☐ YES ☐ NO

DATE: _____ 19 _____

FINAL (ALL PARTS MET) ☐ YES ☐ NO

DATE: _____ 19 _____

ORDINANCE SECTIONS: _____

DATE OF HEARING: _____ 19 _____

CONDITIONS OR COMMENTS:

OVER

LIST OF PROPERTY OWNERS WITHIN 1000 FT. (FOUND ON THE LATEST ASSESSMENT ROLLS)

See attached acknowledgment of notice.

I DECLARE UNDER PENALTY OF PERJURY THAT I AM OWNER OR AUTHORIZED AGENT OF THE PROPERTY SUBJECT OF THIS REQUEST AND THAT THE FOREGOING STATEMENTS, ANSWERS AND ATTACHED DOCUMENTS ARE TRUE AND CORRECT:

SIGNATURE OF OWNER OR AGENT:

DATE 4/19 1984

James D. King
Agent Staker Paving 4/18/84

COMMENTS:

Land Use Intention: To remove the pit run gravel in such a manner that properties will be more useable for future development. Dust control and traffic control will be complied with. (Traffic will be consistent with past and current use of the area.) Work will be performed to meet state and local requirements.

Paul J. Hall *Harry Bradford*
Manager Staker Paving *Estimator Staker Paving*

BUILDING PERMITS MUST BE OBTAINED PRIOR TO CONSTRUCTION

NAPLES PLANNING & ZONING COMMISSION
April 27, 1984

MINUTES

This special scheduled meeting of the Naples city Planning & Zoning Commission was held April 27, 1984 at the Naples City Office. Chairman Robert Kay called the meeting to order at 7:15 P.M. Those in attendance were:

Commission Present

Robert Kay, Chairman; Ralph Dart and Wesley Bowden.

Commission Absent

Norman Haslem, Vice Chairman; Phillip Manwarring and Charles Olsen.

Alternates Present

Artel Armstrong; Ron Walker. Council representative Dennis Judd absent.

Others Present

Bob Dearman, Duane Wall, M.M. Hardy, Gary Bradford, Darwin Oaks, Mrs. Rae Rasmussen and Craig Blunt.

Application for Conditional Use Permit

The Naples Planning Commission met to consider an application for a conditional use permit to operate a rock crusher on 70 acres of commercial development for 90 working days. Property is located at 2800 S. Hwy. 40 1500 E.

The Commission reviewed Mr. Dearman's application and acknowledgement of notice for all property owners within a 1000' of the proposed crusher site.

Property owner Morel Simons, whose property is within the 1000', signed an agreement with Bob Dearman, giving his consent for the permitted use of the crusher. This letter was reviewed by the Commission. Discussion followed.

Bob Dearman went over the contour map showing location of gravel ridges that are to be graded down. He stated there is 15' of material to be taken down to meet his development grades and street building. He will use some of the material for fill, and other to make base to construct the streets in his development. He found out he had more material than he really needed for his project, and rather than paying someone to haul it off, he wants to make it available for the Hwy. 40 project. There is a large amount of gravel underneath the bar they are going to use and he would like a 90 working day, Conditional Use Permit for a crusher to crush the gravel for his project to offset his site improvement costs as well as to make it available for the contractor on the Hwy 40 project.

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The lines running from the crusher location on the contour map show the distances the crusher is from the surrounding property lines, all being a distance of more than 1000', except for Mr. Morel Simons who Dearman has an agreement with, for replacing fence, contour of ridge line adjoining his property.

Discussion followed.

Members of the Commission read and reviewed the section of the Zoning Ordinance, Chapter 6, which governs conditional use permits and extraction of earth products.

Dust Control. Dearman stated haul roads will be watered down the same as the Hwy 40 project requirements. Crusher should not cause any more of a problem as the grading operations, it will be confined to its location.

Traffic Flow at Project Site onto Hwy. 40 & 1500 East, heading to power plant. Dearman stated that was one of the reasons he got involved with this project. The boundaries of the 70 acres are against the Hwy 40 project. The hauling will never get on any other street except the Hwy. 40 project. Dearman showed on the map his access road in relation to property lines and Hwy. 40 which is being located on his east property line next to the pine tree. The Red Wash road, 1500 E. and Hwy 40 will be re-aligned. The intersection will be moved south.

Working hours of Crusher. Dearman stated that it would not be used past 7:00 P.M. The working time would be in daylight hours. His project would involve 10 hour working days.

Maintenance Hours. Dearman did not know, but since he is ¼ mile from housing, it should not cause any disturbance. Lights should not disturb any residents because of the distance of the crusher from housing.

Top Soils - Are the top soils going to be stock-piled and reused? Dearman stated he will not take the ground down any further than his road profile. He has grades he needs to maintain for his streets. Dearman said he did not want it to be construed as a commercial gravel pit, this is not what it is.

Building Permit, Excavation Permit. Exempt.

Chairman Kay asked the visitors if they had any questions.

Gary Bradford asked if the 1000' was from the housing or the property lines. Dearman stated it was from the property line, which would make the housing even further away. Total area of project is 70 acres.

Mr. Darwin Oaks, regarding Dearman's statement that he did not think he was going to run the crusher around the clock, wanted to

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know what, "I do not think..." means. He stated, "A $\frac{1}{4}$ of a mile is nothing, you can hear them alot further. The dust will travel all over, it will go forever."

Dearman - "That is one of the reasons we asked for 90 days. We can crush all the materials we need in a 10 hour day. I do not have any problems saying I will restrict the contractor to a 10 hour day or something like that. Discussion followed.

Oaks - "If you restrict the crusher in being operated to a 10 or 12 hour work day, I would be in favor."

The Commission asked about access to the Hwy 40 project. Mrs. Rasmussen's property will be within the 1000' of that access road. The access road then must be kept in a dust free condition, referring to 02-06-006-lb.

Dearman - "We will be coming out by the pine tree which is about 800' south of Mrs. Rae Rasmussen's."

Commission - "So you will have to run a water truck on the haul road?"

Dearman - "I will not have any trouble handling that, I do not have a doubt that the contractor will handle the haul roads as the Hwy. 40 project in holding down the dust."

MM Hardy - "The only thing I am concerned with is the dust problem. I am dependent on a garden and dust can burn up a garden. My wife has real bad eyes, the dust could eat them up."

Commission - "Most of these winds blow south westerly and from the location of the crusher, the dust, if it carries that far, will go to the middle of the corner where the highway is now. If anything, it would carry to Mrs. Rasmussen's place."

Commission - "Will the crusher cause the most dust or the hauling?"

Discussion followed and it was determined that hauling would create the dust.

Dearman - "We would not be creating any more dust than what development grading work we were going to do anyway, which everyone has known we were going to do for two (2) years now. I do not think I am creating more of a dust problem. Haul roads will be kept wet.

Commission - "Is there any irrigation water this project is going to interfere with?"

Dearman - "We have already taken care of it, we have buried a 20" line to take the water over to the hind gate. I have heard there is better water service than they have had before."

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MM Hardy - "Yes, we did have better water service. The head gate has cracked though."

Discussion followed.

Ron Walker moved that the Planning & Zoning Commission approve issuance of the conditional use permit with the following conditions:

1. Adequate dust control.
2. 3 to 1 slope beginning at fence line to grade finish line.
3. Safety maintained.
4. Hauling is limited to daylight hours.
5. Excavation & rock crusher limited to 10 hour day 7:00 A.M. to 7:00 P.M. maximum.
6. Permit will expire in 90 working days, starting the first day the crusher is set up.

A bond will not be necessary because of the signed agreement Dearman has with Mr. Simons, who would be affected by the slope excavation.

Ralph Dart seconded, the motion passed unanimously.

Other Business

Approval of Minutes - April 19, 1984 RE: Conditional Use Permit-
Larry Gurr. Ron Walker moved the Commission approve the minutes of the April 19, 1984 Joint City Council and Planning & Zoning meeting. Wesley Bowden seconded. The motion passed unanimously.

Temporary Use Permit for Mobile Home Dwellings

The Council would like the Commission to review a proposal to be added to Section 02-11-017.

Temporary Use permit to be issued when in compliance with all the following conditions.

1. Time limit of 5 years, then it is subject to review.
2. 70% of the surrounding neighbors must approve (neighbors within 1000' area from approved location.
3. Must meet frontage and area requirements.
4. Must be set on a permanent foundation.
5. This permit is limited to direct family; father, mother, son or daughter.
6. Property will not be entered upon the tax roles of Uintah County as real property.

The commission tabled discussion on the temporary use permit until their next meeting.

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Adjournment

No other business having come before the Commission, the meeting adjourned at 8:00 P.M.

PLANNING & ZONING COMMISSION

Robert Kay
Chairman

ATTEST

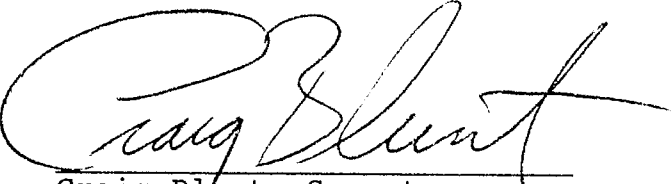
Craig Blunt
Secretary



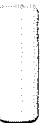
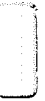


PUBLIC NOTICE

ALL PERSONS RESIDING WITHIN THE AREA SERVED BY THE CITY OF
NAPLES ARE HEREBY NOTIFIED THAT THE NAPLES PLANNING AND ZONING
COMMISSION'S REGULARLY SCHEDULED MEETING ON MAY 10, 1984 IS
CANCELLED DUE TO LACK OF BUSINESS.



Craig Blunt, Secretary



PUBLIC NOTICE

ALL PERSONS RESIDING WITHIN THE AREA SERVED BY THE CITY OF
NAPLES ARE HEREBY NOTIFIED THAT THE NAPLES **PLANNING AND ZONING**
COMMISSION'S REGULARLY SCHEDULED MEETING ON JUNE 14, 1984 IS
CANCELLED DUE TO LACK OF BUSINESS.

Craig Blunt, Secretary



NAPLES PLANNING & ZONING COMMISSION
July 12, 1984

MINUTES

This regularly scheduled meeting of the Naples Planning & zoning Commission was held July 12, 1984 at the Naples City Office. Those in attendance were:

Commission Present

Robert Kay, Chairman; Charles Olsen, Wesley Bowden

Commission Absent

Phillip Manwaring, Norman Haslem, Vice Chairman; and Ralph Dart.

Alternates Present

Ron Walker

Alternates Absent

Artell Armstrong

Council Representative

Dennis Judd, present.

Others Present

Charlie Walker, Robert Turner, Howard Weaver and Craig Blunt.

Approval of Minutes - April 12, 1984, April 19, 1984 and April 27, 1984.

Ron Walker moved to approve the minutes with the following change - Correct spelling of Mr. Laval Simons name on the first paragraph of April 17, 1984 minutes. Dennis Judd seconded, the motion passed unanimously.

Walker Association - Plat C of Plat A, an Addition of One Lot

Charlie Walker presented his plat C to the Commission for review.

Ron Walker moved that the Planning & Zoning Commission approve Plat C with the following changes and conditions.

1. Plat should show temporary turnaround with its radis.
2. Under acceptance by legislative body, the correct government be printed in with india ink.
3. City of Naples Engineer sign the plat.

Wesley Bowden seconded, the motion passed unanimously.

Turner Mobile Home Park - Condominium Project Proposal

(Utah Code Annotated Section 57-8-10, 1953 as amended)

Mr. Turner presented his "Declaration of Covenants, Conditions, Restrictions and Bylaws" for the condominium project currently named "Turner Mobile Home Park" located at 500 West 2100 South. There is 30.45 acres of improved and developed land to provide 194 individual spaces for housing.

The Commission having read the Policy and Bylaw's, asked Mr. Turner what advantage this type of housing project would have over the Mobile Home Park.

Mr. Turner: "The project would provide adult living quarters, provide a housing location for retiree's and there would be management people to take care of their needs."

The lot sizes would remain the same as in the existing park, which would provide a fully improved trailer space for the lot owners in accordance with the provisions of the Utah Condominium Ownership Act.

The up keep of the lot would be done by the individual lot owners, the common areas and improvement would be handled by the management committee, who are elected by the individual lot owners to enforce the policies and bylaws of the condominium project.

The individual lot owners are assessed whatever would be required to cover costs of improvements, enforcement of bylaws, upkeep of common areas and insurances.

The lot owner would take better care of his personal property, make more improvements than a renter, which would result in a pleasant residential community.

Discussion followed.

The surrounding land owners would not be effected one way or another by the change from mobile home park to a condominium project, it still is mobile home housing. It would probably be a nicer place and would not deteriorate but tend to be kept up because of the individual ownership of lots.

The Planning Commission reviewed Chapter, Planned Unit Development 02-07 and Mobile Home Zone 02-21 and Definitions 02-15. Sections 02-21-01, 02-15.019 and 02-015-077. Further discussion followed.

Dennis Judd moved to approve the recording and establishment of a Mobile Home PUD Condominium development with all its Declaration Covenants, Conditions, Restrictions and Bylaws, located at 500 West 2100 South, currently named "Turner Mobile Home Park." Conditional to:

1. Documentation presenting complete name of project.
2. Plat title changed to project name and including reference to required recorded documents, recorded with Uintah County.

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Charles Olsen seconded, the motion passed unanimously.

Adjournment

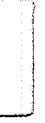
No other business having come before the Commission the meeting adjourned
at 10:15 P.M.

PLANNING & ZONING COMMISSION

Robert Kay, Chairman

ATTEST

Craig Blunt, Secretary



NAPLES PLANNING & ZONING COMMISSION
August 9, 1984

MINUTES

This regularly scheduled meeting of the Naples Planning & Zoning Commission was held August 9, 1984 at the Naples City Office. Chairman Wesley Bowden called the meeting to order at 8:10 P.M. Those in attendance were:

Commission Present

Wesley Bowden, Chairman Pro-tem; Phillip Manwaring.

Commission Absent

Robert Kay, Norman Haslem, Charles Olsen and Ralph Dart.

Alternates Present

Shane Mayberry, and Brad Gale.

Council Representative

Dennis Judd, present.

Others Present

Lavorn and Jeannie Sparks

Request for Off Premise Billboard 14' x 48' Located at 2245 S. 1500 E.

Mr. Sparks - family advertising business, proposed a 14x48' off premise sign, he wants approval to put it up for general advertising, Kentucky Fried Chicken is one of the clients.

Question: How high will the sign be?

We will use 40' poles because it is down in a hole, the hole will be back filled later about 7' of fill. We want to keep it high so not to block the view of traffic coming to 1500 East. It is located on Atkinson's property line between 2250 South and Western Diesel property line. The set back - Commercial Zone 30'.

I need approval by October 21, and it takes 2 days to put one up.

Question: Will you be blocking Western Diesels building and sign? It seems you are going to be close to that business.

I don't think it will block Western Diesel's sign. We will be set back far enough not to interfere with his signs.

The commission reviewed Chapter 02-6, Conditional Use Permit. Discussion followed.

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The conditional use can have a time limit and the surrounding land owners should be advised of the proposal of this sign. The billboard also must meet 02-06-005 as a basis for issuance.

Mr. Sparks didn't think a time limit is right, and would rather not have a conditional time limit placed on the conditions at all.

The Commission would rather see billboard signs on the outer fringes of the City and not mingled between buildings and growth areas with the possibility of restricting the land use.

Discussion followed.

The Commission requested Mr. Sparks to notify the adjoining land owners within 1000 feet of his proposed sign and tabled the meeting until August 28, 1984 at 8:00 P.M.

Adjournment

No other business having come before the Commission, the meeting adjourned.

PLANNING & ZONING COMMISSION

Wesley Bowden
Chairman Pro-tem

ATTEST

Craig Blunt, Secretary

NAPLES PLANNING & ZONING COMMISSION
August 28, 1984

MINUTES

This specially scheduled meeting of the Naples City Planning & Zoning Commission was held August 28, 1984 at the Naples City Office. Vice Chairman Norman Haslem called the meeting to order at 8:20 P.M. Those in attendance were:

Commission Present

Norman Haslem, Vice Chairman; Charles Olsen, Wesley Bowden and Phillip Manwaring.

Commission Absent

Ralph Dart and Robert Kay, Chairman.

Alternates Present

Brad Gale.

Alternates Absent

Shane Mayberry

Council Representative

Dennis Judd, present.

Others Present

Gawin L. Goodrich, Virgie Gee, Raymond Gee, Leon Hamilton, Lavern and Jeannie Sparks.

Continuation of Request for Off Premise Billboard

(Location 2245 South 1500 East)

The commission reviewed last meetings discussion. Norman Haslem asked if there was any further discussion before we hear from the people in attendance. Brad Gale explained he had been to the site for the sign.

Mr. Sparks was asked to state the purpose for the sign on behalf of the visitors which was done.

The Commission asked what type of advertisements would be on the billboard sign, liquor advertisements, smoking?

Mr. Sparks could not guarantee what types, he is in the business to advertise. The sign could later be sold to another advertising company. One side of the billboard will have Kentucky Fried Chicken ads for three years.

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Gawin L. goodrich - 2101 South 1500 East

I oppose it, because of aesthetics. Principally I would not think it a hazard, traffic hazard or necessarily could be. I would like to keep what little view there is. There is enough things haging in the air to look at and what little view there is I would like to preserve.

Raymond and Virgie Gee

I am sick of looking behind a billboard, we have lived behind one for 30 years or better, it should of been taken out seven (7) years or eight (8) years ago. They [County] kept saying they would get around to it. It is two hundred (200') feet from our house, we got sick of looking at it.

I would speak for my son Robert, he doesn't want it, he has told me that time and time again. He had to work tonight, he would like to be at this meeting, can't possibly make it.

I talked with Lila Wilkers, she said she could not make it to the meeting and if it would do any good, I am opposed.

Leon Hamilton of Western Diesel

We are not thrilled about the sign, we are concerned about it blocking the view of our building and signs. Our signs cost us several thousands of dollars. We use the front for advertising our cars, also the front is glass. We are concerned about the view being blocked from people passing on highway 40.

Discussion followed. The Commission read the basis for issuance of a conditional use permit, Chapter 02-06 and Chapter 02-13 on Signs.

Discussion followed.

Brad Gale

I am more concerned of a sign that goes in that is shabby, from what I understand there is not room for additional signs in this area. From what we talked about in the last meeting due to the Federal Standards on Signs, there are some that need to be taken down, others better maintained to improve our City's aesthetic value. We should go ahead and do it, I have seen quite a few of these, this makes me more concerned than seeing a nice sign going up. Along this line, I move that the Planning Commission recommend for approval the billboard sign. Phillip Manwaring seconded, the motion went as follows:

Brad Gale - Yes

Phillip Manwaring - Yes

Charles Olsen - No

Wesley Bowden - No

Dennis Judd - No

Norman Haslem. Co-Chairman - Abstained

The recommendation to the City Council would be no.

Planning & Zoning Commission
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Norman Haslem

Mr. Sparks, your next step would be to meet with the Council and see whether or not they would accept this recommendation or make another. Their meeting will be in two (2) weeks, September 5, 1984.

Mr. Sparks said he would call to let us know if he would want to meet with the Council.

Temporary Use Permit - Single Family Dwelling

Review Board of Adjustment Conditions. The Commission reviewed the Board of Adjustments recommendations. Discussion followed.

Dennis Judd moved that the Commission recommend to the Council a zoning ordinance change to add to chapter 11-017 under 3C the following language:

"Except that a temporary use permit for single family dwellings may be granted upon compliance with the following conditions:

1. The permit shall not be granted for more than 5 years but be left open for renewal by the option of the Planning and Zoning Commission.
2. That 70% or the surrounding neighbors do not oppose the permit request.
3. That it meet the established frontage requirements for the zone.
4. That there be a permanent foundation (footing below first line, proper materials as requested by UBC 1982, continue on with B of #3).
5. That the permit may only be used by the person it has been issued to and terminates upon sale, lease or other transfer.
6. The permits must be with in the first degree consanguinity of the recorded title holder of the property or property owner."

Brad Gale seconded, the motion passed unanimously.

Adjournment

No other business having come before the commission, the meeting adjourned at 11:05 P.M.

ATTEST

PLANNING & ZONING COMMISSION

Craig Blunt, Secretary

Norman Haslem, Co-Chairman



NAPLES PLANNING & ZONING COMMISSION
September 13, 1984

MINUTES

This regularly scheduled meeting of the Naples Planning & Zoning Commission was held September 13, 1984 at the Naples City Office. Those in attendance were:

Commission Present

Norman Haslem, Vice-Chairman; Charles Olsen, Wesley Bowden.

Commission Absent

Phillip Manwaring, Robert Kay, Chairman, and Ralph Dart.

Alternates Present

Shane Mayberry

Alternates Absent

Brad Gale

Council Representative

Dennis Judd, present.

Others Present

John Bradshaw, Baline Mortensen, Craig Blunt.

The meeting was called to order at 8:25 P.M.

Caretaker Dwelling - Conditional Use Permit, Yellow Jacket Tools

(Location 1500 South 1049 East, P.W. Industrial Park)

The commission reviewed the application. John Bradshaw was asked why a caretaker dwelling was needed. John said that the fenced in yard is not enough to maintain security over tools, material and equipment. They need a night watchman. The location of the caretaker dwelling would be a permanent arrangement. The caretaker dwelling; will be on sewer and water. Discussion followed.

Charles Olsen moved the commission accept the conditional use permit proposal. Dennis Judd seconded, the motion passed unanimously.

Caretaker Dwelling - Conditional Use Permit, Mortensen Bros. Inc.

(Location 1800 East 1500 South)

The Commission reviewed the application. Mr. Blaine Mortensen was asked why he needed a caretakers dwelling. Mr. Mortensen explained that the dwelling will be on sewer and water, the frontage is approximately two hundred (200') feet, the depth is four hundred (400') feet. Mr. Mortensen is leasing the property from his wife. Discussion followed.

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Brad Gale moved to accept the conditional use permit proposal with the following condition:

1. That the conditional use permit be issued only for Mortensen Brothers caretaker dwelling use. Not to be used for a rental lot.

Dennis Judd seconded, the motion passed unanimously.

Norman's birthday, Norman had to get back to his party he excused himself.
Happy Birthday Norman.

Community Development and Furthering Fair Housing Needs Policy Plan

Because the Planning & Zoning Commission had not completed reading the policy, Wesley Bowden moved to have it tabled until the next regular scheduled meeting. Dennis Judd seconded, the motion passed unanimously.

Approval of Minutes of July 12th and August 9th

The Commission reviewed the minutes. Wesley Bowden moved to approve the July 12, 1984 minutes. Dennis Judd seconded, the motion passed unanimously.

Brad Gale moved to approve the August 9, 1984 minutes as corrected. Charlie Olsen seconded, the motion passed unanimously.

Adjournment

No other business having come before the Commission the meeting adjourned at 9:30 P.M.

PLANNING & ZONING COMMISSION

Norman Haslem, Co-Chairman

ATTEST

Craig Blunt
Secretary

NAPLES PLANNING & ZONING COMMISSION
October 11, 1984

MINUTES

This regularly scheduled meeting of the Naples Planning & Zoning Commission was held October 11, 1984 at the Naples City Office. Those in attendance were:

Commission Present

Norman Haslem, Vice-Chairman; Wesley Bowden, Ralph Dart.

Alternates Present

Brad Gale

Commission Absent

Phillip Manwaring, Robert Kay, Chairman; Charles Olsen.

Alternates Absent

Shane Mayberry

Council Representative

Dennis Judd, present.

Others Present

Craig Blunt

Approval of Minutes - August 28, 1984

Dennis Judd moved to approve the minutes as corrected. Brad Gale seconded, the motion passed unanimously.

Easement Request - Soil Conservation - Central Canal

The Soil Conservation representative, Paul Obert, called and said he could not get confirmation from the owners to meet. Without the owners present to represent themselves, he felt it was not necessary for himself to be at the meeting. Discussion followed. The matter was tabled until November 8, 1984.

Billboard Request

Mr. Sparks never filed with the Council for a hearing.

Update on Road Project - 6 Miles of City Road Resurfacing

The City Engineer sent a letter to Staker Paving requesting that Stakers hold up until spring thaw. His main reasons are that Stakers waited until the end of October to start and cold weather has set in.

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Update on Fire Hydrants

The second phase of fire hydrants has been completed, the 3rd phase along the highway has begun and should be completed by December, 1984.

Update on street Lighting

The first phase of street lights in High Country has been completed. The golf Course turn street light is installed. The street light on 1750 South 500 East is still beign worked on to get a better light pattern. The light on 1500 South 360 East (Wildwood Subdivision) is in the planning stage for the best location and light pattern.

Other Business

Community Development and Furthering Fair Housing needs the policy plan. The Commission reviewed the policy and had no further additions.

Adjournment

No other business having come before the Commission, the meeting was adjourned at 9:30 P.M.

NAPLES PLANNING & ZONING COMMISSION

ATTEST

Craig Blunt
Secretary

NAPLES PLANNING & ZONING COMMISSION
November 8, 1984

MINUTES

This regularly scheduled meeting of the Naples Planning & Zoning Commission was held November 8, 1984 at the Naples City Office. Those in attendance were:

Commission Present

Robert Kay, Chairman; Norman Haslem, Vice-Chairman; Charles Olsen and Wesley Bowden.

Commission Absent

Ralph Dart, Phillip Manwaring.

Alternates Present

Shane Mayberry

Alternates Absent

Brad Gale

Council Representative

Dennis Judd, absent.

Others Present

Whitney Washburn, Uel Hunting, John Junting, Lee R. Nash, Robyn Pack, Wayne Pack, D.J. Pack, Beth Pack, Ralph Southam, Nellie Southam, Ray Nash, John M. Henderson, Anthony D. Beals, Marily Merrell, Dallas Merrell and Craig Blunt.

The meeting was called to order at 8:10 P.M.

Sluice Box - Uel Hunting, David Rasmussen Project - Location: Approximately 2600 East 2500 South

Mr. Washburn, representing the Uel Hunting and David Rasmussen project, presented the project. Mr. Washburn stated the reason they are here at the zoning meeting; we are not convinced that we need a permit to undertake this project, what we are trying to do is get this thing worked out and cooperate where ever we can. The project is being done through the Soil Conservation Service (SCS), it has had careful planning and has S.C.S. approval. Blue prints were drawn up by S.C.S. The project is worthwhile, will be a benefit to a large parcel of land here in the Naples area. Again we are of the opinion that we do not need to come to Naples City to obtain a permit for the cement structure itself, we will concede that there may be a different question in regard to under-cutting the road in the two spots maintained.

Naples Planning & Zoning Commission
Minutes - November 8, 1984
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We would like to cooperate to the extent to get this thing resolved and try to get whatever is necessary to get clearance through the City whether that be a permit or informal clearance so we can undercut the road.

John Henderson (Representative for S.C.S.) explained what the project is: It is a gravity sprinkler system. What we are trying to do is improve the irrigation efficiency from a flood system to a sprinkling system, this will help improve production and water use.

This type of structure is called a sluicing structure, it is to remove the sediment and sand from the system so it does not damage the sprinkler heads. It will be serving more than 100 acres.

Commission: Was the Building Department notified before they started?

Building & Zoning Administrator: No.

Commission: The question was raised, was it proper for the Zoning & Building Department to be notified before construction was started?

To answer this question, the ordinances in violation were stated.
City Ordinance 02-02-003 (Chapter 02-02) - Building Permits Required for all Structures, Pipelines, Etc.

Ordinance 82-2 - Granting of Easements for Public Rights of Way and Requiring Bonds for Construction on City Roads.

After the ordinances were read, the condition the structure was found in was discussed.

The Building Inspector found the structure from headgate to end 60' long, the majority of the structure averaged 12' in width. The structure is not more than 18" above the center of the road in height and 8' deep and 15' from the edge of the 2500 South road. The structure is placed at the east end of the central canal.

The Building Inspector talked with Ralph Walker, water master for the central canal. Mr. Walker did not know of any easement for the canal east of where the canal stops where the structure is located.

Commission: Was there a ditch that served off the central canal?
Who did it serve?

Uel Hunting: Yes, and it served the same grounds and has served it for 100 years almost.

Ray Nash, Counsel for the City: There is an easement established pursuant to statute since 1858 for a 66' roadways and a lot of other easements were established and in existence which are not a matter of record and not a matter of statute or anything else.

Naples Planning & Zoning Commission
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Ray Nash - Ditch right-of-ways, right-of-ways established by Utah Power and Light for powerlines and telephone lines, they are there. The law pertaining to irrigation and irrigation rights that are issued provide that easements established for roads or ditches that the property is subject to that use. I don't think anybody can deny that an easement existed for this ditch that goes there. The only question I see is has there been such an enlargement or something that has enuroached and increased upon. The general provisions as to ditches is that the people have a right to have an easement on the ground that is covered by the ditch and as much ground on either side as is necessary to maintain it and take care of it. I don't think anybody can deny that there is an easement there for this ditch. I don't think that anybody can deny that the owners had a right to make a construction there. The only question is has the construction that has been put there, does it constitute a nuisance or a problem that will cause the landowners and the public at large from going there.

Mrs. Merrell: We tried to stop it, we tried to talk with Mr. Hunting and tyell him that we're paying taxes from the center of the road back, and ask him to stop and he went ahead.

Mr. Nash: The question of the ramifications of who went ahead and why, I know if someone had come down and put a structure down in front of my place I would probably be a little bit disturbed. But as far as the City's concerned, I don't think that even though we do have and say that we exercise rights over owners we've got to recognize that there are pre-existing easements and rights on those roadways. The City itself is not a solvent entity. Now if the nuisances occur either to the neighbors or something else, they can do as they darn well please, that's separate. I don't think it's the obligation of the City to get in this fight. I do think that it's unwise that the bases were not touched perhaps, and things were not done about it to start with. But the easements are there and I don't think that you can deny that these people had a right to do what they wanted on their ditch. The only problem that I see is what have they done, what has been done, does that constitute a problem of overriding importance as to the roadway of the additional property owner and if so what can be done to correct it.

Commission: So look at it in a practical sense is what you're saying?

Ray Nash: Yes.

Norman Haslem: I agree with what Ray said, and he can say things alot better than I, but he said exactly what I was thinking, is that if there is an existing ditch there, they certainly have a right to maintain a ditch, however, I'm not sure that the structure that went in and you agree that it's a structure because you called it a structure and the ordinance says that all structures will be brought before the board and I feel very strongly that it should have come before this board. Now my feeling is that it is larger than what would be normal in a situation of maintaining a ditch. My question is did it have to be that high? Why did it have to be so high?

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Mr. Washburn: The height of that I suppose it didn't have to be eighteen inches high above the ground, but it was tied in with the existing headgate which was there, not knowing that it would be any nuisance. It could probably operate at a lower height as far as its function of sluicing and the position of it for the gravity pressure you know there is no problem in that. But also that height would also contain the water and should it get that high then it would go back in and across the road back through the existing culvert that is there. That's why it was that height.

Norman Haslem: Anybody who had that structure put in front of their property by someone else would certainly have some objections. I have no objection to the structure except for the height. Is it going to be covered? What is the situation on that?

Yes, it will have a cover on it.

Norman Haslem: I see, because I am going to have some grand kids right across the road from it.

It is my understanding that it will be entirely covered within a week to ten days.

Dallas Merrell: We are the ones that required that with the existing structure. We were not notified before it was put in, and it is way above the ground. Mr. Washburn stated that it was the height of the existing ditch, which is completely wrong. The bank is probably two foot. It would only take a few minutes with a tape measure to see the difference, it's eighteen inches above my property which is above the ditch, higher ground, it's also in a position where we had planned to put a driveway which is impossible now. We have plans for building lots for our children. The only way we can is to have a road right-of-way. And that's right where the right-of-way would have to be in order for that to be accomplished.

Commission: So in the future this will limit use, the access of your land?

Dallas Merrell: Yes.

Mr. Washburn: I submit to this board that if there is a difficulty that is caused by the structure, as has been stated here, that it would really be a civil matter that should be settled and taken care of between the two parties.

Norman Haslem: I agree with that, but my point is then that this structure should have come before this board.

Ray Nash: May I inquire? I see down the road a problem. I think that some builder might widen the road. I would think that probably the road may be raised. I think there is a problem should the Merrell's decide to make a driveway across that expanded metal, then you people (structure owners) might want to object. Do you make any objection to their access to this point? Supposing that they opened up a gate and drove across the structure with vehicles, cars and things like that. Is there any problem there?

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S.C.S. Rep.: The structure is not designed to be driven across as is, with that expanded metal, that's to keep people from going across. There would have to be some modifications so that you could drive across, that would have to be another issue.

Ray Nash: Supposing that down the road, now I'm saying to look down the road. The Merrell's say listen, we want to pair off lots, this is where the driveway is going to be. We realize we are going to have to put something over it, and you people (structure owners) say wait a minute, we want access to this, you can't put your driveway across, they may have to buttress and things like that. Is there any objection to that?

Uel Hunting: I would think that John here could answer that. In connection with making the road across we will have to have access to the headgates and have to be able to get underneath there in case it has to be cleaned in the future, and in case it necessitates getting under there to do it. Now whether the roadway would be widened would depend on the width and height of the roadway for construction purposes.

Ray Nash: Well supposing it wasn't expanded metal, supposing that they decided that they are going to put something across there, either some big planks and bot them down or in the alternative that they'll.....

Mrs. Merrell: Why should we have to do it, it's our property, they.....

Ray Nash: Well I'm saying, I'm not talking about the limitations, do you people (structure owners) want to limit them from access across that particular structure? Now if you do, I think you ought to express it now, but supposing that the Merrell's were to say now listen, true you have a right-of-way there, you've got a ditch there, you can maintain it, but we're going to pour a six inch slab of concrete across there so that we can get through. They would be doing just like you folks did then, wouldn't they? So, do you see the point where there is a problem?

Robert Kay: Could the Merrell's have put a culvert in that ditch to bring their driveway in there if they would have wanted to?

Ray Nash: That's right.

Robert Kay: As long as they didn't restrict the flow of water?

Norman Haslem: Yes, and the point is that the expense would have been yours (Merrell's) in the first place. So you would have been involved in some expense anyway getting across the ditch. Now can I just say that all of this discussion, I agree with Mr. Washburn 100 percent is not proper here. It is not a matter for this board, but is a matter to be settled someplace other than this board. We shouldn't even be considering that one. I feel that our only responsibility is in the area of whether or not there should have been a permit issued. Now if there should have been a permit issued, we ought to take care of that, and if there shouldn't, we ought to decide that and then this other discussion be taken care of someplace else.

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Robert Kay: I disagree with that because that's what the zoning is all about to coordinate the affairs of the community, to see that all development is coordinated. If they would have come to see us first with this, then we could have looked it all over and seen how high it was, and eighteen inches is probably too high above the existing surface of the road, or if another location would have been better. If that road ever gets rebuilt, we need to plan for the future, I son't really know what they'll do when they rebuild the road, but it's probably too high, and they've already built it.

Dallas Merrell: Just a comment, there's two headgates, screw tight headgates, that are down at the end of it about 45 foot from the headgate turning south, which would still be sticking up I son't know, three, four foot up. They are still going to be in the driveway, I son't know how you can beat those things.

Mr. Washburn: Just one comment with regards to the apparent dispute between the project and the adjacent landowners. I think that it's apparent we have the case where there is an existing easement and where the adjacent landowners are not pleased with the way that easement is being exercised. I do submit to you that it really is a civil matter, that if they do have a difficulty with that, then they need to settle that. This is not a question of whether there is an easement for what was done, it's really a question that if they have been damaged by this, then they need to take that to the civil courts. I think there is a larger precedent here in just this particular case. I think that all of us here realize that in the future we are going to see more of these types of structures and I think that this board does not want to get in the business of settling disputes between projects of people and adjacent landowners.

Mrs. Merrell: What advantage is zoning if they cannot protect us?

Commission: We do want to be involved before it ever gets built. I guarantee it, that before you ever pour any concrete, we need to know what's going on, if it's in that public right-of-way.

Lee Nash: What I'd like to know, probably the Soil Conservation people can answer this one, they have cooperated in projects such as this before, has there been a precedent in previous projects in other municipalities where there has been a permit required to pour concrete structures and stuff like that? If not, I think it's mute point to continue further because ditch improvements have been taking place all over across the valley. When Vernal City re-did mainstreet, they wanted to change the pipelines somehow or another, and the ditch company said go ahead but you're going to pay for it, and they decided they wanted to leave it like that.

Soil Conservation: There is none that I'm aware of, I've never seen any construction that's required a permit, but that's just the ones that I know.

Lee Nash: How about on the roadway, have you put any in on the roadway like this before?

Soil Conservation: This is, as far as to my knowledge this is the first sluice box in this valley, but there are others in the state that are even larger than this one.

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Commission: Have they been given a permit for this?

Mrs. Merrell: David Rasmussen told Dallas yesterday, that Uel showed him a permit he had from the Naples City.

Norman Haslem: I think that we would have simply required that it did not constitute a hazard. As far as travel on the road, or adjacent to the road goes.

Can the structure still be lowered?

Wesley Bowden: That's what I was wondering about, how much can you take that down and still take care of the water across the road, we've heard you say that this carries quite a capacity of water there, and if it was lowered say maybe a foot, maybe even six inches, now to put a cement cap on it, that's going to take another 5 or 6 inches higher, or else put it down so, what I'm wondering about, how much lower could it be put down and still do the job?

S.C.S. Rep.: Well, again it would have to be an engineer to determine how much it would cut down, but the height of the structure above ground probably in my opinion does not affect the sluicing of the sand that accumulates in there, but it was originally put that height for the high water during the spring, if it's down lower than that, I can't say myself until an engineer looks at it whether it was over top every spring you know if the water gets high. I'd have to have an engineer look at it. But structurally, for the sluicing action of it, and for getting the water into the pipe in full flow for the sprinkler lines, it could still operate lower.

Commission: But wouldn't you have to put a spillway on if you wanted.....

S.C.S. Rep.: Well, you can plan it so if it's going to go over the top, it will just go across the road.

Norman Haslem: Well, what you're basing that on is the existing headgate and maybe the existing headgate can be changed some, I don't know. I'd like to have know all these things in advance, that's the onl problem I have with it, is that if we had discussed it before it went in.....

Mrs. Merrell: You're saying you have no jurisdiction in seeing it's done right. What about Vernal City when they made Uintah County move their sidewalks back, I mean they did it wrong, they had to re-do it, why can't this be, it has to be done right.

S.C.S. Rep.: But as far as whether it can be modified, that can be looked into you know, to be cut down whether flush of the ground, six inches above ground, a foot above ground, it can be looked into and as far as if eventually there can be a roadway across the top that can be looked into to. The engineer would have to look at it, I'm not an engineer but whether you notch it and put beams across it, maybe it would support the weight in that they could put a road across it. I still think there may have to be access to it for maintenance inside the structure and in the headgates.

Norman Haslem: There certainly would be a place that they could go in with a door for maintenance of the structure.

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Mr. Washburn: I suggest this board take Mr. Nash's recommendation. I think that it is a reasonable recommendation. We are in a situation now where the structure needs to be completed and decently completed, I think everyone agrees it should not be left as it is. I submit to the board that approval for completion of the project should be granted and the recommendation has been placed before the board for your acceptance.

Shane Mayberry: I'd like to motion to the board that the structure owners and the S.C.S. be responsible for having an engineer check on it to see if that in fact drawn would impare the flow of the water and if it would create a nuisance by doing that, and that by taking the judgement the engineer did then bring that before the board again, the board then making a decision whether that should be cut down or not according to the engineer's statement.

Norman Haslem: I have a question to the motion. Just how long would that take?

S.C.S. Rep.: We're the technical agency that would assist the landowners in designing that and if the landowners don't request that, I assume it's a landowner decision to request that...

Mrs. Merrell: We've made several requests to you that weren't honored. We've been ignored, we asked you down there to look at it and even Mr. Jackson, several said it was an eyesore that should be done away with and yet they went right ahead with it.

Mr. Washburn: What I'd like to do is very quickly show you gentlemen the motivation. I think it would make you more appreciative for some of the difficulty that would be involved in trying to trim it down.

Discussion followed.

Norman Haslem: That was also done by engineers and it's a poor job. Now the only thing that we could have questioned these things in the first place if it had been presented before this board, we would have questioned them in the first place.

Uel Hunting: Way back there before this ever started, the Soil Conservation Service, required a blue stake or utility clearance to be written on a card. Do you happen to have a card? One of these was dropped off here. There was a lady here at the time, the only one here and from that I assumed that every action that was necessary by the City was taken, you see what I mean? Later I found that it had not been returned to the City and we asked our attorney to include another copy when he answered Mr. Blunt's letter because I had understood that it would have been taken care of, but apparently it was misplaced, lost, or whatever, I don't know, but apparently Mr. Blunt didn't get it. So we assumed it was cleared, we tried to make an effort to come to you, we thought we cleared it so that's why we went ahead. We assumed everything had been cleared and went on. At that same time, Norman, we took a card just like this to the telephone company, to the valley wide water and sewer district, and all of those people and they were all signed and returned.

Discussion followed.

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Mr. Merrell: We are paying taxes from the center of that road back.

Norman: I just think it's a matter for the landowners, I really think that it should have been settled between the people who are putting it in and the landowners. I hate to get in between.

Wesley Bowden: One question that I have. Supposing we go ahead and okay this which I guess that's possible to do, and then they start to dig across the road and then the suit comes by the Merrell's it's sure going to shut the whole thing down.

Mr. Washburn: If that's a concern, I think we can represent as a project that there will be no cut in the road that will not be taken care of, in otherwords, that if something were to happen of that nature, then the cut in the road would be taken care of. Our bond would make sure we did that, we wouldn't just leave a big hole in the road.

Mrs. Merrell: Where do you stand if you approve this and we go to court?

Mr. Merrell: Especially when you don't agree with it to begin with. If you approve it as being a structure that you wouldn't approve if it had come in beforehand, where does that leave you when we go to court.

Norman Haslem: Dallas, I'm not saying that I don't approve of the system, I agree, and I'm sure you agree with the pipeline putting water in pipelines.

Dallas: Right, we are not arguing that, that's not the argument at all. It's the type of structure that has been built and designed that's gone in. we give right-of-way as far as putting a pipeline in. That's not even the question at all. Mr. Washburn says it's not much of a structure, it's not a major change, but he hasn't been out and seen it or he wouldn't say that because it is a major change from what existed before. The thing is if you approve it, where is that going to put you when we go to court?

Ray Nash: Supposing you take no action, supposing you let it go, say listen, we're washing our hands of it, the only thing we're going to require of you to do is take such precautions as are necessary to prevent a nuisance, that means get a top on it and that you flag it, and then if you get a permit to cross the road, you better turn in a platform. As far as this structure that's in there, there is a question in my mind, a grave question, it's true it is a structure, but supposing somebody came along, went to court and said, hey Naples, we've got an easement, we're not sure that we have to get a permit to put a structure there. Canal companies put headgates up and down all these streets every spring, you go out next spring and you'll see the canal companies and the ditch companies building new headgates and one thing and another, and I'll bet not one of them has asked for a permit, either in Uintah County or any place and it's the same type as we have here, so I'm not so sure that you're on solid ground by asking for a permit to cross the road.

Uel Hunting: I can verify one thing in this production. On the upper canal and in one season alone, we built five structures in the upper canal that stick up just as far above as this one does here. There was no permit ever asked for in any way shape or form. Now I would like to ask you people one thing: have you required a permit of the other people who have built pipelines within the City, up to this date?

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Robert Kay: As far as I know, we've never had a structure like this in Naples.

Uel Hunting: I'm saying putting pipelines, did you ask for a building permit?

Commission: No, because they weren't structures, they were utilities.

Uel Hunting: But the very section that you read said that a building permit has to be required for a pipeline or structure.

Craig Blunt: It was for a pipeline with the oilfield, but the utilities we have agreements with on putting those type of things in.

Uel Hunting: No, I'm asking about the irrigation, I'm asking only about irrigation, I'm not asking about these others, I'm just asking about irrigation projects.

Craig Blunt: At this time, existing maintenance of the irrigation ditches is taking place but no one has built structures that I know of.

Norman Haslem: well, but I think the point is good, if it had been built way down in the property owner's filed, I don't think we would even have questioned it.

Mr Washburn: I would suggest with all due respect that you follow the counsel that has been given, I think that certainly you paid for the counsel and I would think that it would be good counsel, and it sounds to me that it would certainly be appropriate. If there is a problem here that should be left to be settled by, I think, the civil court.

Robert Kay: Okay, we have a motion here that we still have to do something with. Shane, please restate it.

Shane Mayberry: I just moved that in view of the future position of the City as far as a swidening that road is concerned, that the height of that might jeopardize future construction and so, I moved that the structure owners be responsible for having an engineer make the study to see if that height is necessary or to see if it could be lowered eighteen inches which would put it to the existing level of the road, and then bring that to the next board meeting and then a decision can be made whether appropriate action needs to be taken.

John Hunting: There is one problem with that, right just above that is an existing structure that is also that same eighteen inches above the road, that's been there for a good then years, see this is why I can't see where it's going to make any difference to the road.

Wayne Pack: I played around that structure when I was about that high, it was the same height as the one that is in there now.

John Hunting: I can't see that there is anything to the road as it exists now, because there is already a structure there, it has been there for a long time as far as the road is concerned.

Discussion followed.

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Robert Kay: does any one here want to second the motion?

Discussion followed.

Robert Kay: On his motion, can they go ahead and make the road cuts, or whatever they have to?

Wesley Bowden: Well, they couldn't make the road cuts because...

Ray Nash: I suggest you bivercate it. Don't worry about this thing, if they are going to have civil litigation, let them get on with it, but I'm sure there has been damage and things like that, but let them get on with that, but you have the right whenit comes to making the road cuts. I suggest you bivercate it and issue your permit on that and forget about the other one.

Charles Olsen: I make a motion that we issue the permits for the road cuts.

Voting was as follows:

Shane Mayberry - aye
Wesley Bowden - aye
Charles Olsen - aye

Robert Kay - aye
Norman Haslem - abstained

Norman Haslem: I think we ought to, if we don't do anything else, I think we ought to just leave it.

Robert Kay: Make a motion to put something on record.

Norman Haslem: I don't know how to say it.

Ray Nash: I think it reflects the consensus of the board well. I think you are alright as long as you've got minutes that reflect it. I don't know that you have to have a motion unless there is some objection to that feeling. The thing we are talking about is taht although this is in place, it doesn't become an exclusive domain of the people who put it there, which prevents people from either side from access to their property, that's the thing that you want to get.

Shane Mayberry: I would move then that this structure in no way limit the access of the existing landowners and that they be permitted to create an easement over that if the time should ever come, or future landowners of that property.

The motion passed with all voting aye.

Norman Haslem: Okay, now I have a question. If by letting this go now, what are we doing to ourselves in the future?

Ray Nash: That could always pose a problem particularly when you're dealing with irrigation companies, whether it's established agencies. I think you're also going to have to face each situation as it comes up, supposing the Utah Power and Light Company comes along and says, I'm going to re-establish a few poles, I'm going to set a double pole somewhere and change this, do you require a building permit on that? These are the things, and in fact irrigation

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Ray Nash: rights in the state of Utah, and the middlewestern states, a water right is almost more sacred than a man's wife. You've got to be a little bit touchy. Irrigation companies are not subject to the rule of absolute liability though alot of other things are, so I think that, certainly you ought to take a look at it, but supposing the central canal comes down here: and finds out that they've got a headgate washed out up along the street here somewhere, that's there and an existing structure, and they have to rebuild it, I don't think they have the time to come to the zoning board, I think they've got to get that thing in a hurry.

Robert Kay: Ray, that's a good point, but you brought up the power company, if they wanted to come and set up a pole in the center of my driveway...

Norman Haslem: The fact is that Utah Power and Light did come before this board and we required that they move some of their power boxes.

Shane Mayberry: You've got to admit that they exercised their easement and then some, Ray.

Norman: Well, I think that anyone in this room that had a structure like that put in front of their place would really be up in arms about it. And I don't know that it's right that we just let it go.

Shane Mayberry: But what can we do as a City?

Robert Kay: We've given a recommendation to the City Council. That's what we've done, and you said that in your opinion for the City that we should stay out of it except for what we've done.

Ray: I think so, I don't believe I'd get into this. I don't want to see the City buy themselves any more litigation. They're paying me a good retainer right now and they'd have to pay extra for what I'd have to do.

Mrs. Merrell: What makes you think that you won't buy anymore litigation ignoring the situation?

Ray Nash: I'm sure it will, but I just hope it won't buy litigation for the City. I'm saying. Discussion followed. That's not the problem of the zoning board, to prevent devaluation of the property. The zoning board has an obligation to regulate certain things, and I say that they can regulate when it comes to irrigation rights, to establish easements. I think if you decided to build a culvert across the ditch there, make it ornamental and whatever, I don't think you'd have to come here to this board for a permit, I think you could do that and put one of these ornamental things in with all the filitries and everyting you wanted, I don't think the zoning could forbid you.

Mrs. Merrell: That's something nice. Something that detracts, that's an eyesore.

Zoning Secretary Report - Pack Welding Parking Lot Expansion - Location: 2260 East 2500 South

Pack Welding started out as a home occupation. When Naples incorporated, I found that Pack Welding expanded beyond a home occupation classification so it now fell under non-conforming buildings.

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Zoning Ordinances 02-05-002 of Chapter 02-05 - Non-Conforming Buildings and Uses.

I am reporting a change in the property use owned by Wayne Pack of Wayne Pack Welding. West of his workshop there has been road base hauled in for a parking lot.

Their reasoning is to get the trucks they weld and repair on and off the public right-of-way to ease congestion of traffic.

Wayne Pack: All I want to do is get the trucks off the road. I need a place to park the trucks other than the roadside.

Commission: Are you going to stack pipe or use this area for storage for your business?

Wayne Pack: No, just for parking of trucks.

Discussion followed.

Charles Olsen moved that the construction of the parking lot be approved but for a parking lot only. No storage of pipe or other items will be allowed.

Wesley Bowden seconded. The motion passed unanimously.

Adjournment

No other business having come before the Commission, the meeting adjourned at 9:30 P.M.

NAPLES PLANNING & ZONING COMMISSION

Robert Kay, Chairman

ATTEST

Craig Blunt, Secretary



NAPLES PLANNING & ZONING COMMISSION
December 13, 1984

MINUTES

This regularly scheduled meeting of the Naples Planning & Zoning Commission was held December 13, 1984 at the Naples City Office. Those in attendance were:

Commission Present

Ralph Dart, Chairman Pro-tem; Wesley Bowden, Charles Olsen and Phillip Manwaring.

Commission Absent

Robert Kay, Chairman; Norman Haslem, Vice-Chairman.

Alternates Absent

Brad Gale, Shane Mayberry.

Council Representative

Dennis Judd, absent.

Others Present

Cal Stewart, Charleen Stewart, Carl Oldaker and Craig Blunt.

Caretaker Dwelling/Charleen Stewart-Approx. 600 S. 1500 E.

Mrs. Stewart explained that the property in the I-1 Zone she would like to put the caretaker dwelling on is owned by her and that her son Scott Caldwell would be the caretaker. Mrs. Caldwell presented a letter from Tom Anderson an adjacent property owner who would like his property watched by the same caretaker. Mrs. Stewart explained that the caretaker dwelling would not only benefit the surrounding property owners by having someone there to watch, but would also help by having the property cleaned up, weeds, junk, etc.

The Commission asked Mrs. Stewart if she had an agreement with Mr. Anderson. She said yes a verbal agreement.

Discussion followed.

The Commission read Chapter 06 - Conditional Use Permit, and reviewed the basis for issuance of a conditional use permit.

Wesley Bowden moved to approve a conditional use permit for a caretaker dwelling with the following conditions:

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1. 1 year limit. After one year they must come before the Commission for a review.
2. That the surrounding businesses and landowners be notified and their written approval or non-approval be given to the Planning Secretary, and the continuance of the permit based on the findings.
3. That the dwelling meet proper city code standards.

Charles Olsen seconded. The motion passed unanimously.

Update on Vacating of Colonies Planned Unit Residential Development

The Commission reviewed what the Council had done and approved.

Down Zoning the Colonies P.U.D. from R-2 to RA-1/Carl Oldaker - 1500 S. 2000 E.

Mr. Oldaker requested that his five (5) acres be down zoned from R-2 to RA-1. He explained that the total project consisted of ten (10) acres, one half owned by him and the other by Chad Dushaw. Mr. Oldaker said he could not act on the behalf of Chad Dushaw to have his half down zoned, but only his own property. Discussion followed.

Charles Olsen moved that the down zone request of Mr. Oldaker's five (5) acres be approved and a joint public hearing with the Commission and Council be held January 16, 1985 after proper public notice.

Phillip Manwaring seconded. The motion passed unanimously.

Approval of Minutes - October 11, 1984 & November 8, 1984.

The Commission reviewed the minutes.

Wesley Bowden moved that the minutes of the October 11, 1984 meeting be approved. Charles Olsen seconded. The motion passed unanimously.

Wesley Bowden moved that the minutes of the November 8, 1984 meeting be approved. Charles Olsen seconded. The motion passed unanimously.

Other Business

Charles Olsen recommended that a street light be put in on the corner of 1500 East 2250 South, the Homestead Subdivision. Discussion followed. It was agreed that a light was needed and it be recommended to the Council.

The Commission directed Craig Blunt to write a letter to Chad Dushaw explaining why the Commission would like to see his one half of the Colonies P.U.D. down zoned from R-2 to RA-1.

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Adjournment

No other business having come before the Commission, the meeting was adjourned at 8:10 P.M.

PLANNING & ZONING COMMISSION

Ralph Dart, Chairman Pro-tem

ATTEST

Craig Blunt, Secretary

